

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

PINTADO COURET, FRANCISCO
VEGA BAEZ, WANDA

Debtor(s)

CASE NO. 04-06919 SEK

CHAPTER 13

MOTION TO DISMISS

COMES NOW, R&G MORTGAGE CORPORATION represented by the undersigned attorney and respectfully sets forth and prays:

1. That the appearing creditor is the holder of a mortgage note in the principal balance amount of \$64,051.71, which encumbers debtor's (debtor's) residence.

2. That the Plan provides for debtor(s) to continue making current post petition monthly payments to the appearing secured creditor.

3. That debtor(s) has failed to comply with the proposed terms of the Plan and currently owe the appearing secured creditor the sum **\$5,082.75 (2/06 thru 8/06 + L/C + L/Fees)** in post petition arrears.

4. Pursuant to the provisions of section 1307 (c) (6) of the Code 11 USCS Section 1307 (c) (6), a party in interest may request the dismissal of a Chapter 13 bankruptcy petition whenever there is a material default by the debtor(s) with respect to a term of a confirmed plan.

5. The Courts have found cause for the dismissal of Chapter 13 bankruptcy case when the debtor(s) failed to make the payments directly to the creditor as called for under the terms of the confirmed Plan. See Estes v. Garcia, 42 Bankr. 33 (Bankr. D. Colo. 1984).

6. General Order 97-01 provides as follows:

"Unless a party in interest objects to the [conversion] or [dismissal] of this case within thirty [30] days from the date of this notice, the case may be converted or dismissed without a hearing."



7. Included with this motion is a Verified Statement regarding the information required by this Servicemembers Civil Relief Act of 2003, and a Department of Defense Manpower Data Center Military Status Report.

WHEREFORE the appearing secured creditor prays for an order dismissing the above captioned case.

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I hereby certify that on this date copy of this motion has been electronically filed with the Clerk of the Court using the CM/ECF system which will sent notification of such filing to debtor(s) attorney and to JOSE R. CARRION MORALES, US Chapter 13 Trustee, and also certify that I have mailed by United State Postal Service copy of this motion to the following non CM/ECF participant to debtor(s) at theirs address of record in this case.

In San Juan, Puerto Rico, on the 2nd day of August, 2006.

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VERIFIED STATEMENT

I, ALBA RIVERA, of legal age, single, Manager of the Legal Division and Bankruptcy Department at R-G Mortgage, Corp. and resident of Carolina, Puerto Rico, declare under penalty of perjury as follows:

That as to this date August 02, 2006, by a search and review of the records kept by R&G MORTGAGE CORPORATION in the regular course of business in regard to debtor account with this bank there is no information that will lead the undersign to belief that debtor is a regular service member either on active duty or under a call to active duty, in the National Guard or as a Commission Officer of the Public Health Services or the National Oceanic and Atmospheric Administration (NOAA) in active duty.

The bank has not received any written notice from debtor that his military status has change as to this date.

That as part of my search I examined the documents and records available to me within our computer system.

IN TESTIMONY WHEREOF I SIGN THESE PRESENTS under penalty of perjury, in San Juan, Puerto Rico this 02 day of August, 2006.


ALBA RIVERA



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
PINTADO	FRANCISCO	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. #167;#167; 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: **BZVDIALGBFE**



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
VEGA	WANDA	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavely-Dixon

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Department of Defense - Manpower Data Center
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Report ID: **BZROYEERKEP**

Label Matrix for local noticing
0104-3
Case 04-06919-SKK13
District of Puerto Rico
Old San Juan
Wed Aug 2 11:25:55 CST 2006

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End of Label Matrix
Total addresses 21

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